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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,947	09/16/2003	Bryan Eric Aupperle	RSW920030116US1 (109)	3852
46320 7590 12/19/2006 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/19/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/663,947

Applicant(s)

AUPPERLE ET AL.

Examiner

DARYL C. POPE

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 102

2. Claims 1-2,4-5,7-8,10,12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg(6,331,817).

-- In considering claim 1, the claimed subject matter that is met by Goldberg includes:

1) the radio frequency identification(RFID) reader coupled to a tracking processor is met by the interrogator(214) coupled to the processor(202), the interrogator operating using RF principles(see: column 3, lines 13-25);

2) the data store configured to store tag data from corresponding RFID tags is met by the memory(204) which stores program instructions and data which is used by the processor(202)(see: column 2, lines 49 et seq);

3) the alert programmed to activate is met by the alarm(212) in conjunction with the output device(208) which activates when the organizer no longer can sense within range of the interrogator an RFID tag(108,110,116,118,120,122)(see: column 4, lines 22-34);

4) the tracking processor providing for the selection of a sub-set of registered RFID tags and the alert being programmed to activate upon not all of the selected sub-set of tags having been sensed is met by the organizer being set up with different sets and associations of events as created by the user, the sets including different tags

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being related to different sets of events(see: column 3, lines 38 et seq; column 4, lines 1-34).

With regards to the data store configured to store tag data from corresponding RFID tags, although not specifically stated by Goldberg, it would have been inherent that tag data would have been stored in the memory(104), since this would have been necessary in order for the organizer to identify which tags are to be interrogated in order to provide an alarm when specific tags would have been missing from the interrogated set.

-- Claim 2 recites subject matter that is met as discussed in claim 1 above(see: figure 2, column 2, lines 52 et seq).

-- With regards to claim 4, the programming to activate when the tracking processor no longer can sense within range of the RFID reader a specific RFID tag is met by the programming instructions as stored in the memory(204)(see: column 2, lines 51-60).

-- Claims 5,7-8,10, and 12-13 recite subject matter that is met by Goldberg as discussed above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Fellenstein et al(Fellenstein).

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-- With regards to claims 3,9, and 14, although not specifically taught by Goldberg, use of logic for notifying a third party of activation via a communications link is well known in the art. In related art, Fellenstein discloses a system for tracking articles in which a processing unit(38) having decision logic alerts designated persons via the internet, notification message, page, sms, etc., of alerts(see: column 5, lines 34-45).

Since the use of logic for notifying a third party is well known as taught by Fellenstein, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the processing unit(38) with logic of Fellenstein in place of the processor(202) of Goldberg, since incorporation of logic for notifying would helped reduce false alarms while determining appropriate events to be notified.

As well, Goldberg already teaches use of a communications device(216) for notifying third parties of events via RF link or network(see: column 5, lines 21-31). Since Goldberg teaches that an a cellular phone may perform the organizer functions(see: column 5, lines 1-13), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the alerting functions via internet, notification message, page, sms, etc., of Fellenstein into the organizer of Goldberg to generate a cellular telephone call to notify third parties, since the cellular phone as an organizer, as stated by Goldberg above, would have already included cellular communication capabilities which would have facilitated notifying third parties via the cellular capabilities, thereby alleviating the necessity of a separate communication device.

REMARKS:

Response to Arguments

5. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

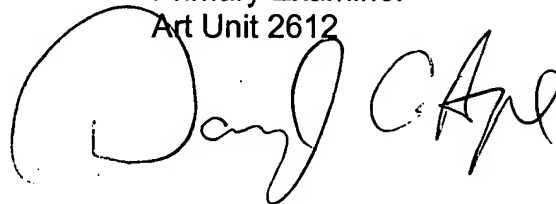
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope
December 10, 2006

DARYL C POPE
Primary Examiner
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.